

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on July 16, 2003, and the references cited therewith.

Claims 1, 7, 27 and 31 have been amended; as a result, claims 1-9, 11-15, 27-28 and 30-35 are now pending in this application.

Rejection of Claims 1-9, 11-15, 27-28 and 30-35 Under 112 First Par.:

The Examiner rejected claims 1-9, 11-15, 27-28 and 30-35 under 112 First Paragraph, stating that the specification does not support the limitation, "flour and fat that are untreated by heat when mixed together" and "mixing the wet blend and dry blend without an addition of heat." The Applicant directs the Examiner's attention to page 6 of the specification which describes fats that are liquid and fats that are plastic or solid as being suitable for use in the dry blend. The dry blend is a mixture that includes fat or fats and flour. The liquid shortenings are described as being liquid at room temperature. The solid fats are described as being solid at 70 degrees Fahrenheit. The liquid or solid or liquid and solid fats are mixed with the flour. If there were heating, the heat would melt the solid fat to a liquid fat. This is not described in the specification. Therefore, the specification does provide support for mixing fat and flour that are untreated by heat when mixed together.

§103 Rejection of the Claims

The Examiner has maintained rejection of claims 1-9 and 11-15 as being unpatentable over Seewi et al. in view of Le Flecher et al and the "Encyclopedia of Packaging Technology." The Examiner states that it doesn't make any difference whether a mixture of fat and flour is heated because the end result is the same. The Seewi et al reference describes a dough that is made by heating a mixture of flour and fat. The present invention describes a ready-to-use dough article, comprising: a substantially gas-impermeable container; a dough disposed within the container, comprising: flour and fat that are untreated by heat when mixed together and

sugar wherein the ratio of sugar to flour is in a range of about 0.0 to 0.75 to 1, wherein the dough is storable without refrigeration. The present invention is then an article with at least two components: a gas impermeable container and dough. The significance of this article is that it is capable of imparting stability to many types of dough, leavened and unleavened. The article of the present invention includes a dough that has a cellular structure, as described in claim 31. Seewi does not describe a dough with a cellular structure. Seewi does not describe a dough that has been leavened. The combination of the elements claimed is a different product from what is described in Seewi. Seewi describes one type of dough. The present invention includes a container and many different types of doughs. As acknowledged by the Examiner, the Seewi reference does not include placing dough in a substantially gas impermeable container; using inert gas containing less than 4% residual oxygen in the container and dough; encapsulating leavening agent; or adding to a container that includes a baking pan. Therefore, the Examiner's assertion that the article of the present invention is the same as the dough described in Seewi is not true.

The LeFlecher et al. reference describes a batter and does not describe a dough. Furthermore, the LeFlecher reference does not describe a product having the ratio of sugar- to-flour that is claimed. The ratio is much higher. Where is the suggestion to combine a batter and a dough? Where is the suggestion to combine the references to obtain the present invention? LeFlecher relies upon a high sugar content to retard microbial growth. The Applicant respectfully requests the Examiner to identify the suggestion, within the references, that suggest combination. Even with a suggestion, however, the combination of the Seewi reference and LeFlecher reference does not describe the present invention because the combination describes heat treating a mixture of flour and fat. This heat treatment is not performed to make the article of the present invention. The Seewi patent describes a product that is presumably "stable." There is no suggestion in Seewi that combination with another reference is necessary. Neither Seewi nor LeFlecher identified a significant benefit of the article of the present invention, which is versatility and adaptability. Seewi describes how to make one type of dough. LeFlecher describes how to make one type of batter. These references do not suggest combination with

each other. Even if they did, they do not render the article of the present invention obvious because the present invention does not include a pre-heating step.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612)-373-6976 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

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Date 12 September 03

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 12th day of September, 2003

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